

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

The application of the plaintiff, the United States of America (“the United States” or “Plaintiff”), for default judgment, pursuant to Rule 55(b)(2), Federal Rules of Civil Procedure, as to its claims for ejectment, trespass, and injunctive relief, set forth in its complaint against the defendants Bruce MacDougall and Mary Ann MacDougall (“Defendants” or “MacDougalls”), came on regularly for hearing by this Court on March 27th, 2007. Now the Court, having reviewed all the papers filed in connection with the motion and heard the arguments of counsel, and being fully apprised of the premises,

IT IS HEREBY ORDERED that Plaintiff's application for default judgment as to each cause of action be, and it hereby is, GRANTED in favor of the United States, as follows:

1. **Ejectment.** The Court finds that the United States is entitled to default judgment on

**ORDER GRANTING DEFAULT JUDGMENT
U.S. v. Murad, C 06-1304 SBA (MacDougalls)**

1 its ejectment claim. The Defendants shall vacate the subject real property, Space 20 in Pleasure
2 Cove Marina Resort, Lake Berryessa, Napa County, California (“the Property”), within five (5)
3 days of the date this Judgment is entered against them.
4

5 **2. Trespass.** The Court finds that the United States is entitled to default judgment on its
6 trespass claim. The Defendants shall vacate the Property within five (5) days of the date this
7 Judgment is entered against them.

8 **3. Permanent Injunction.** The Court finds that the United States is entitled to default
9 judgment on its claim for permanent injunction. The Defendants shall vacate the Property within
10 five (5) days of the date the judgment is entered against them. Further, the Defendants are
11 permanently enjoined from occupying any real property at Lake Berryessa, without appropriate
12 written authorization.
13

14 IT IS FURTHER ORDERED, that should Defendants fail to comply with the foregoing
15 provisions of this Judgment within the time prescribed, a Writ of Assistance may be entered
16 which authorizes the United States Marshal’s Service to immediately enter the Property and take
17 all necessary steps to put the United States in possession by doing the following:
18

- 19 1) Remove Bruce MacDougall and Mary Ann MacDougall from the Property, and
20 thereafter immediately secure the Property for the benefit of the United States;
- 22 2) Remove any personal property remaining on the Property after the departure (or
23 removal) of Bruce MacDougall and Mary Ann MacDougall, including but not
24 limited to travel trailers, mobile homes, decks, sheds, and any other items of any
25 description;
- 27 3) At his discretion, the U.S. Marshal may either (a) immediately dispose of any
28 personal property removed under paragraph 2), above, from the Property in

1 appropriate debris or garbage containers; or (b) store such personal property for
2 sale under paragraph 4;

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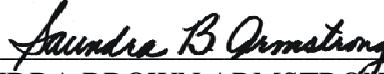
4) The U.S. Marshal may sell or otherwise dispose of any personal property taken
5 from the Property. Any sale shall be conducted pursuant to 28 U.S.C. §§ 2001
6 and 2004, including by private sale. If the U.S. Marshal later determines that
7 certain personal property that has been stored cannot be sold, he may abandon it;
8 and,

9

10 5) Clean or contract for the clean up of the Property.

11 IT IS SO ORDERED.

12 Dated: 4/2/07

13 
14 SAUNDRA BROWN ARMSTRONG
United States District Judge